

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SEAN HILLS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil Action No. 22-289 (MCA)

ORDER

Pro se Petitioner Sean Hills, a prisoner confined at FCI Williamsburg, seeks to file a motion to vacate pursuant 28 U.S.C. § 2255. The Court previously provided Petitioner with a *Miller* Notice, pursuant to *United States v. Miller*, 197 F.3d 644, 652 (3d Cir. 1999), and directed him to inform the Court as to whether he wished to have his Motion ruled on as filed or wished to submit an Amended Motion. *See* ECF No. 2. The Court also directed Petitioner to submit his Memorandum of Law referred to in his Motion. Petitioner subsequently submitted the Memorandum of Law in support of his Motion, ECF No. 3, but he did not respond to the *Miller* Notice. The Court therefore construes the Motion and Memorandum of Law, ECF Nos. 1, 3, as Petitioner's all-inclusive Motion for relief.

The Court has screened the Motion and Memorandum of Law for summary dismissal pursuant to Rule 4 of the Rules Governing Section 2255 Cases in the United States District Court, concluding that it does not "plainly appear[] from the Motion, any attached exhibits and the record of prior proceedings that the moving party is not entitled to relief . . ."

IT IS, THEREFORE, on this 9th day of December 2022,

ORDERED that this matter shall be marked as OPEN; and it is further

ORDERED that Respondent shall file a full and complete answer to the Motion (ECF Nos. 1, 3) within 45 days of the entry of this Order; and it is further

ORDERED that Respondent shall raise by way of its answer any appropriate defenses that it wishes to have the Court consider, including, with respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; and it is further

ORDERED that the answer shall be accompanied by certified copies of all notices, opinions, documents, transcripts or recordings of any proceedings, including all documentation that may be material to the questions raised in the Motion; however, in lieu of providing certified copies, the Government may cite to the criminal docket by referencing the ECF docket entry number and the page; and it is further

ORDERED that Petitioner may file and serve a reply in support of the Motion within 45 days after the answer is filed; and it is further

ORDERED that the Clerk shall send a copy of this Order to Petitioner at the address on file.

s/Madeline Cox Arleo
Hon. Madeline Cox Arleo
United States District Judge